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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA, )

8 Plaintiff, )

9 v. )

10 KEVIN M. ELLISON, )

11 Defendant. )

No. CR-12-072-LRS

☒ ARRAIGNMENT

ORDER GRANTING THE UNITED  
STATES' MOTION FOR DETENTION

☒ MOTION GRANTED  
(ECF No. 3)

12  
13 Date of arraignment/bail hearing: **June 19, 2012.**

14 ☒ Indictment ☐ Superseding Indictment

15 Defendant was advised of, and acknowledged, Defendant's rights.

16 ☐ Defendant, on plea(s) of not guilty, is bound over to the  
17 United States District Court for trial.

18 ☐ Defendant, personally and through counsel, waived the right to  
19 a bail hearing.

20 ☐ The court has conducted a bail hearing pursuant to 18 U.S.C.  
21 § 3142(f), and has considered the Pretrial Services Report and  
22 proffers of the parties. The court, based upon the *factual findings*  
23 and statement of reasons for detention hereafter set forth, and as  
24 stated in court, finds the following:

25 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

26 ☐ Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable  
27 presumption that Defendant is a flight risk and a danger to the  
28 community based on the nature of the pending charge. Application of

1 the presumption is appropriate in this case.

2 ☐ Defendant has a history of: ☐ Failures to appear

3 ☐ Failures to comply

4 ☐ Defendant has few or no ties to the community.

5 ☐ Defendant has a ☐ significant criminal history.

6 ☐ Defendant has an outstanding warrant(s).

7 ☐ Defendant does not have a suitable residence.

8 ☐ Defendant appears to suffer from chemical dependency.

9 ☒ The Grand Jury has found probable cause.

10 ☒ Other: *At this time, there is insufficient*  
11 *information <sup>provided</sup> that has been confirmed*  
12 *by Pretrial. In addition, there has been*  
13 *no mental health assessment. If additional*  
14 *information is provided to Pretrial, Pretrial to*  
15 *prepare within the course of business, a supplemental*  
16 *report.*

16 ☐ The court finds the Defendant is not supervisable.

17 ☒ By a preponderance of the evidence there are no conditions or  
18 combination of conditions other than detention that will reasonably  
19 assure the appearance of Defendant as required.

20 ☒ By clear and convincing evidence there are no conditions or  
21 combination of conditions other than detention that will ensure the  
22 safety of the community.

23 ☐ Defendant is currently on probation/supervision resulting from  
24 a prior offense.

25 ☐ Bureau of Immigration and Customs Enforcement Detainer.

26 **IT IS ORDERED:**

27 1. Defendant shall be held in detention pending disposition  
28 of this case or until further order of the court. If Defendant

1 waived a bail hearing, or should circumstances change, Defendant may  
2 petition the court to reopen the detention issue by written motion  
3 to amend and request for hearing, served upon the United States  
4 Attorney.

5 2. Defendant is committed to the custody of the U.S. Marshal  
6 for confinement separate, to the extent practicable, from persons  
7 awaiting or serving sentences or being held in custody pending  
8 appeal.

9 3. Defendant shall be afforded reasonable opportunity for  
10 private consultation with counsel.

11 4. If the Defendant seeks review of this Order pursuant to 18  
12 U.S.C. § 3145(b), attorney for Defendant shall file a written motion  
13 for revocation or amendment of this Order within ten (10) days  
14 before the district judge to whom this case is assigned and note it  
15 for hearing at the earliest possible date. Both parties are  
16 responsible to ensure the motion is determined promptly.

17 DATED June 19, 2012.

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20 CYNTHIA IMBROGNO  
21 UNITED STATES MAGISTRATE JUDGE  
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